



Senator Jerry Hill, 13th Senate District

SB 793 – Protecting Youth from Flavored E-Cigarettes and Tobacco Products

IN BRIEF

SB 793 will prohibit the retail sale of flavored tobacco products – including flavored electronic cigarettes – to address an unprecedented surge in youth nicotine consumption.

SURGE IN YOUTH TOBACCO USE

Citing an alarming rise in e-cigarette use among youth the U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention released a report in November 2018 showing that more than 3.6 million middle and high school students are using e-cigarettes. This is an increase of 1.5 million compared to 2017 and almost 13 times higher than the number of youth using e-cigarettes in 2011.¹

The stunning growth between 2017 and 2018 amounted to a 78 percent increase in e-cigarette use by high school students and a 48 percent increase by middle school students. By 2018, 1 in 5 high school students were using e-cigarettes and 1 in 20 middle school students were doing the same.² The year-over-year spike in e-cigarette use also drove up use of tobacco products overall to almost 4.9 million students in 2018, erasing decades of declining youth tobacco use.³

The disturbing rates of teen e-cigarette use continued to rise in 2019 with the overwhelming majority of youth citing use of popular fruit and menthol or mint flavors.⁴ According to data released by FDA and CDC, there are now 5.3 million young Americans who vape regularly, an increase of 1.7 million youth compared to 2018.⁵

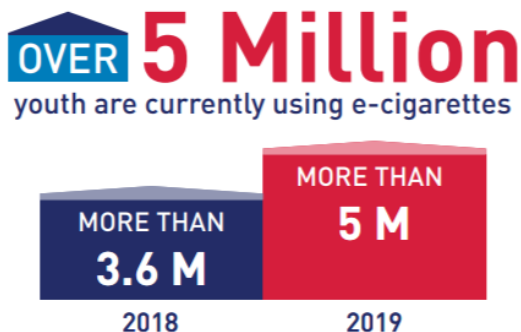


Image Source: FDA - 2019 National Youth Tobacco Survey

HEALTH IMPACTS

Flavored tobacco products are a gateway to harder nicotine use. 80 percent of young people who have ever

used tobacco started with a flavored product.⁶ Flavored cigarettes, except for menthol, are banned under Federal Law, but these rules do not apply to other tobacco products like e-cigarettes, cigars, and cigarillos. As a result, a variety of flavored tobacco products like cotton candy, bubble gum, and mango are widely available. These products often mimic popular candies, drinks, or snacks in both packaging and flavor, making them particularly appealing to youth.

Candy or Tobacco?



Image Source: Campaign for Tobacco Free Kids

Flavors mask the naturally harsh taste of tobacco, making these products easier to use and more appealing to youth.⁷ Not only are flavored tobacco products more appealing, but the presence of flavors in tobacco products like menthol make it more difficult for users to quit.⁸

Prohibiting the sale of flavored products, including menthol, is also a social justice issue. Targeted marketing to communities of color, low income communities, and LGBTQ communities adds to the health disparities in populations already impacted by social inequities. African American neighborhoods have disproportionately higher numbers of tobacco retailers and tobacco marketing, particularly of menthol products.⁹

Flavored e-cigarettes are falsely marketed as a “safe tobacco alternative,” yet they pose a significant public health risk, particularly to youth. One vape pod from JUUL, a leading e-cigarette manufacturer, is equivalent to the nicotine in 20 cigarettes.¹⁰ Exposure to nicotine during adolescence can harm brain development and predispose youth to future tobacco use.¹¹



Each JUUL pod delivers the same amount of nicotine as 20 cigarettes.

Image Source: Campaign for Tobacco Free Kids

A 2017 study found that kids who use e-cigarettes are more likely to begin smoking traditional cigarettes as well as increase the frequency and intensity of smoking and vaping.¹² “These results bolster findings for vaping as a one-way bridge to cigarette smoking among adolescents,” said the authors of the study.¹³ “To the best of our knowledge, the risk for future cigarette smoking is currently one of the strongest, scientific-based rationales for restricting youth access to e-cigarettes.”¹⁴

“These results bolster findings for vaping as a one-way bridge to cigarette smoking among adolescents.” - Richard Miech, MPH, PhD, University of Michigan

A growing body of evidence suggests that teens are more likely to use flavored e-cigarettes than adults. One model even found that for every adult who quits smoking using e-cigarettes, 80 additional youth initiate daily tobacco use through e-cigarettes.¹⁵


The American College of Cardiology found that compared with nonusers, e-cigarette users were 56 percent more likely to have a heart attack and 30 percent more likely to suffer a stroke. E-cigarette users were also twice as likely to suffer from depression, anxiety,

and other emotional problems.¹⁶ Additionally, the first ever long-term study on the health effects of using e-cigarettes found that the devices significantly increase the risk of developing chronic lung disease.¹⁷

NICOTINE'S EFFECTS on the ADOLESCENT BRAIN & BODY

- NICOTINE is as **addictive** as HEROIN.
- NICOTINE **changes the adolescent brain & impairs cognitive function**, including working memory, processing speed, emotions, and impulse control.
- NICOTINE and other chemicals in JUULs/vapes are linked to **cancer, lung disease, and heart disease** & may damage other vital organs.

Image Source: Parents Against Vaping E-Cigarettes



CURRENT LAW

Flavored cigarettes, except for menthol, are banned under Federal Law, but these rules do not apply to other tobacco products.

In 2016, California enacted the Stop Tobacco Access to Kids Enforcement Act, which regulates e-cigarettes in the same manner as other tobacco products and prohibits the sale of any tobacco products to a person under 21 years of age.

On January 2, 2020 the FDA announced a plan to restrict the sale of flavored cartridge-based e-cigarettes. Unfortunately, The Trump Administration’s policy exempts all menthol and tobacco flavored e-cigarettes and only restricts flavors in some cartridge-based e-cigarettes, leaving flavored e-liquids in every imaginable flavor widely available.

While there is no state law restricting the sale of flavored tobacco products, 50 California local governments have taken action to restrict youth access to flavored tobacco products.

THE SOLUTION

Under SB 793, retail stores and vending machines in California would be prohibited from selling flavored tobacco products. The legislation covers flavored e-cigarettes, e-hookahs, e-pipes, and other vaping devices as well as all flavored smokable and nonsmokable tobacco products, such as cigars, cigarillos, pipe tobacco, chewing tobacco, snuff, and tobacco edibles.

Violators would face a civil penalty of \$250 per violation.

SB 793 creates a threshold for restrictions and prohibitions regarding tobacco product sales and would not prevent local jurisdictions from taking further steps.

SUPPORT

- Lieutenant Governor Elani Kounalakis (Co-Sponsor)
- American Cancer Society Cancer Action Network (Co-Sponsor)
- American Heart Association (Cosponsor)
- American Lung Association (Cosponsor)
- Campaign for Tobacco Free Kids (Cosponsor)
- Common Sense (Cosponsor)

- African American Tobacco Control Leadership Council
- Parents Against Teens Vaping E-Cigarettes (PAVE)

FOR MORE INFORMATION

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³ Ibid.

⁴ U.S. Department of Health and Human Services. *Press Release*. “Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products.” 11 Sep 2019.

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¹¹ Goriounova, N. A., and H. D. Mansvelder. “Short- and Long-Term Consequences of Nicotine Exposure during Adolescence for Prefrontal Cortex Neuronal Network Function.” *Cold Spring Harbor Perspectives in Medicine*, vol. 2, no. 12, 2012, doi:10.1101/cshperspect.a012120.

¹² Miech, Richard, et al. “E-Cigarette Use as a Predictor of Cigarette Smoking: Results from a 1-Year Follow-up of a National Sample of 12th Grade Students.” *Tobacco Control*, vol. 26, no. e2, Jun. 2017, doi:10.1136/tobaccocontrol-2016-053291.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Soneji, Samir S., et al. “Quantifying Population-Level Health Benefits and Harms of e-Cigarette Use in the United States.” *Plos One*, vol. 13, no. 3, 2018, doi:10.1371/journal.pone.0193328.

¹⁶ “E-Cigarettes Linked to Heart Attacks, Coronary Artery Disease and Depression.” 7 Mar. 2019, www.acc.org/about-acc/press-releases/2019/03/07/10/03/ecigarettes-linked-to-heart-attacks-coronary-artery-disease-and-depression.

¹⁷ Bhatta, Dharma N., and Stanton A. Glantz. “Association of E-Cigarette Use With Respiratory Disease Among Adults: A Longitudinal Analysis.” *American Journal of Preventive Medicine*, 2019, doi:10.1016/j.amepre.2019.07.028.